No. 06-340
Vide 06-549

(37)

Title: National Association of Home Builders, et al., Petitioners
v.
Defenders of Wildlife, et al.

Docketed: September 8, 2006
Lower Ct: United States Court of Appeals for the Ninth Circuit
Case Nos.: (03-71439, 03-72894)
Decision Date: August 22, 2005
Rehearing Denied: June 8, 2006
Questions Presented

~~Date~~~	~~~~~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~~~~~
Aug 25 2006	Application (06A233) to extend the time to file a petition for a writ of certiorari from September 6, 2006 to October 6, 2006, submitted to Justice Kennedy.
Aug 30 2006	Application (06A233) granted by Justice Kennedy extending the time to file until October 6, 2006.
Sep 6 2006	Petition for a writ of certiorari filed. (Response due October 10, 2006)
Sep 6 2006	Appendix of National Association of Home Builders, et al. filed (Volumes I & II).
Sep 14 2006	Order extending time to file response to petition to and including November 9, 2006.
Sep 26 2006	Brief of respondent Arizona in support filed.
Oct 5 2006	Order extending time to file response to petition to and including November 9, 2006, for all respondents.
Oct 20 2006	Order further extending time to file response to petition to and including November 22, 2006, for all respondents.
Oct 26 2006	Consent to the filing of amicus briefs in support of either party received from counsel for the petitioners.
Nov 2 2006	Consent to the filing of amicus briefs in support of either party received from counsel for the respondents. VIDED.
Nov 2 2006	Consent to the filing of amicus briefs in support of either party received from counsel for the respondent Arizona.
Nov 9 2006	Brief amicus curiae of Federal Water Quality Coalition filed. VIDED.
Nov 20 2006	Brief amicus curiae of Pacific Legal Foundation filed.
Nov 20 2006	Brief amicus curiae of American Farm Bureau Federation filed. VIDED.
Nov 21 2006	Brief amicus curiae of Alaska filed. VIDED.
Nov 22 2006	Brief amici curiae of Arizona Power Authority, et al. filed. VIDED.
Nov 22 2006	Brief of respondents Defenders of Wildlife, et al. in opposition filed. VIDED.
Dec 5 2006	Reply of petitioners National Association of Home Builders, et al. filed. (Distributed)
Dec 6 2006	DISTRIBUTED for Conference of January 5, 2007.
Jan 5 2007	Petition GRANTED. The petition for a writ of certiorari in No. 06-549 is granted. The cases are consolidated and a total of one hour is allotted for oral argument. In addition to the questions presented by the petitions, the parties are requested to brief and argue on the following question: "Whether the court of appeals correctly held that the Environmental Protection Agency's decision to transfer pollution permitting authority to Arizona under the Clean Water Act, see 33 U. S. C. Sec. 1342(b), was arbitrary and capricious because it

	was based on inconsistent interpretations of Section 7(a)(2) of the Endangered Species Act of 1973, 16 U. S. C. Sec. 1536 (a)(2); and, if so, whether the court of appeals should have remanded to the Environmental Protection Agency for further proceedings without ruling on the interpretation of Section 7(a)(2)."
Jan 23 2007	Consent to the filing of amicus briefs in support of either party received from counsel for the petitioners.
Feb 5 2007	SET FOR ARGUMENT ON Tuesday, April 17, 2007.
Feb 5 2007	Consent to the filing of amicus curiae briefs in support of either party received from counsel for the respondents. VIDED.
Feb 16 2007	Record received from U.S.C.A. for 9th Circuit. (1 box)
Feb 16 2007	Brief amicus curiae of Pacific Legal Foundation filed.
Feb 19 2007	Brief amici curiae of Nebraska, et al. filed. VIDED.
Feb 20 2007	Brief of petitioner in 06-549 Environmental Protection Agency filed. VIDED.
Feb 20 2007	Brief amici curiae of American Road and Transportation Builders Association, et al. filed. VIDED.
Feb 20 2007	Brief amicus curiae of CropLife America filed. VIDED.
Feb 20 2007	Brief amicus curiae of American Farm Bureau Federation filed. VIDED.
Feb 20 2007	Brief amicus curiae of Federal Water Quality Coalition filed. VIDED.
Feb 20 2007	Brief amici curiae of Association of California Water Agencies, et al. filed. VIDED.
Feb 20 2007	Brief amicus curiae of Mountain States Legal Foundation filed. VIDED.
Feb 20 2007	Brief amicus curiae of Western Urban Water Coalition filed. VIDED.
Feb 20 2007	Brief amici curiae of National Hydropower Association, et al. filed. VIDED.
Feb 20 2007	Joint appendix filed. VIDED.
Feb 20 2007	Brief of petitioners National Association of Home Builders, et al. filed. VIDED.
Feb 20 2007	Brief amici curiae of Arizona Power Authority, et al. filed. VIDED.
Feb 20 2007	Brief amici curiae of High Production Homebuilders filed. VIDED.
Feb 20 2007	Brief amicus curiae of National Association of Clean Water Agencies filed. VIDED.
Feb 20 2007	Brief amici curiae of Washington Legal Foundation, et al. filed. VIDED.
Feb 20 2007	Brief of respondent Arizona in support filed. VIDED.
Mar 2 2007	CIRCULATED.
Mar 23 2007	Motion for divided argument filed by petitioners National Association of Home Builders, et al. VIDED.
Mar 27 2007	Brief of respondents Defenders of Wildlife, et al. filed. VIDED. (Distributed)
Mar 27 2007	Brief amici curiae of American Fisheries Society, et al. filed. VIDED. (Distributed)
Mar 27 2007	Brief amici curiae of American Bird Conservancy, et al. filed. VIDED. (Distributed)
Mar 27 2007	Brief amici curiae of Jared M. Diamond, et al. filed. VIDED. (Distributed)
Apr 2 2007	Motion for divided argument filed by petitioner DENIED.
Apr 9 2007	Reply of petitioners National Association of Home Builders, et al. filed. VIDED. (Distributed)
Apr 10 2007	Reply of respondents Environmental Protection Agency, et al. filed. VIDED. (Distributed).
Apr 10 2007	Reply of respondent Arizona in support filed. (Distributed) VIDED.
Apr 11 2007	Administrative record received from USDOJ. (1 box)

Apr 17 2007 Argued. For petitioners: Edwin S. Kneedler, Deputy Solicitor General, Department of Justice, Washington, D. C. For respondents: Eric R. Glitzenstein, Washington, D. C.